

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES--GENERAL

Case No. **5:25-cv-00540-DTB**

Date: **June 3, 2025**

Title: **Emily McBride v. Populish, LLC**

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**DOCKET ENTRY**

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PRESENT:

**HON. DAVID T. BRISTOW, MAGISTRATE JUDGE**

Rachel Maurice  
Deputy Clerk

n/a  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:

None present

ATTORNEYS PRESENT FOR DEFENDANT(S):

None present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY  
ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. See Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service, or 60 days if the defendant is the United States. See Fed. R. Civ. P. 12(a). In addition, “any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.” Fed. R. Civ. P. 15(a)(3).

In the present case, it appears that one or more of these time periods has not been met as to the Defendant. Specifically:

- ☒ Proof of service of the summons and complaint
- ☐ Answer by the defendant or an application for entry of default pursuant to Federal Rule of Civil Procedure 55(a)
- ☐ Motion for default judgment set for hearing in accordance with the Local Rules

Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing **no later than seven days from the date of this Order** why this action should not be dismissed for lack of prosecution as to the Defendant.

It is Plaintiff's responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, Plaintiff must also pursue Rule 55 remedies promptly upon the default of Defendant. All stipulations affecting the progress of the case must be approved by this Court. See L.R. 7-1.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a written response.

**Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice as to Defendant for failure to prosecute and comply with court orders. See Fed. R. Civ. P. 41(b).**

**IT IS SO ORDERED.**